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VIA ECF FILING

April 29, 2011

Honorable Arthur D. Spatt
United States District Court Judge
100 Federal Plaza
P.O. Box 9014
Central Islip, NY 11722-9014
Courtroom 1020

Re: Fleurimond v. New York University; 09-cv-3739 (ADS) (AKT)

Dear Honorable Spatt:

Please accept this correspondence as Plaintiff's request for an extension of time for Plaintiff to serve and file her Motion for Summary Judgment in the above-titled matter. Pursuant to a briefing schedule set by Your Honor on February 22, 2011 Plaintiff is to file and serve her Motion for Summary Judgment by May 6, 2011.

Plaintiff makes the instant request because the parties are still awaiting a decision from Magistrate Tomlinson on Plaintiff's February 28, 2011 discovery motion (a copy of which is annexed hereto). The Court is asked to take note of the fact that production of certain discovery materials remains outstanding; hence, Plaintiff's need to bring the instant motion pending decision. It is further respectfully requested that the Court take notice of Judge Tomlinson's Order, dated March 10, 2011, which states that the discovery deadline dates of the Court's Scheduling Order are "held in abeyance pending decision on the discovery motion." (*See* 3/10/11 DE).

As posited in Plaintiff's previous request for an extension of time to submit her Motion for Summary Judgment (*see* February 16, 2011 Letter to Court), until the issues regarding Defendant's document production are fully resolved by the parties and the Court, Plaintiff cannot submit her Motion without undue prejudice.

In addition, because critical issues supporting summary judgment may be resolved in Judge Tomlinson's anticipated decision, premature submission of Plaintiff's Motion for Summary Judgment will be wasteful of the Court's resources and burdensome to the parties.

I have conferred with Defendant's counsel and he has consented to a "reasonable extension of time for the parties to file summary judgment papers" upon resolution of the pending motion.

For the foregoing reasons, Plaintiff respectfully requests that the Court allow for an extension of time for Plaintiff to serve her Motion for Summary Judgment to at least thirty (30) days after the entry of Judge Tomlinson's decision on Plaintiff's discovery motion. This time will be needed to allow Defendant to produce additional documentation demanded, review by Plaintiff's counsel, integration of such information and final completion of Plaintiff's Expert Report, and for Plaintiff's counsel to properly and fully present the issues of undisputed fact before the Court. Plaintiff proposes that responses should be served consistent with the time frames set by the Court on February 22, 2011.

Respectfully submitted,



Mona Conway

Cc. Robert W. Clarida, Esq. (via email and ECF)

Application granted. Plaintiff is granted an extension to serve her Motion for Summary Judgment within 30 days of the date of Judge Tomlinson's ruling on the Plaintiff's February 28, 2011 discovery motion.
So ordered.

Arthur D. Spatt, U.S. D.J.
5/2/11